

116TH CONGRESS  
2D SESSION

# S. 5021

To require the Federal Communications Commission to make amendments to the E-rate program of the Commission, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2020

Mrs. CAPITO (for herself and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the Federal Communications Commission to make amendments to the E-rate program of the Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Every Child Connected  
5 Act”.

6 **SEC. 2. E-RATE PROGRAM.**

7 (a) DEFINITIONS.—In this section—

8 (1) the term “Commission” means the Federal  
9 Communications Commission;

1           (2) the term “distance learning” has the mean-  
2           ing given the term in section 8101 of the Elemen-  
3           tary and Secondary Education Act of 1965 (20  
4           U.S.C. 7801); and

5           (3) the term “E-rate program” means the uni-  
6           versal service program set forth under subpart F of  
7           part 54 of title 47, Code of Federal Regulations (or  
8           any successor regulations).

9           (b) UPDATES TO E-RATE PROGRAM.—

10           (1) IN GENERAL.—Not later than 180 days  
11           after the date of enactment of this Act, the Commis-  
12           sion shall amend the E-rate program to provide  
13           that—

14                   (A) activities that are integral, immediate,  
15                   and proximate to the education of a student,  
16                   even if those activities are performed in the  
17                   home of a student, qualify as activities that are  
18                   for educational purposes for the purposes of the  
19                   E-rate program;

20                   (B) a household in which a student is en-  
21                   gaged or participating in distance learning shall  
22                   be an eligible recipient under the E-rate pro-  
23                   gram; and

24                   (C) the aggregate annual cap on Federal  
25                   universal service support under the E-rate pro-

1           gram shall be \$10,000,000,000 per funding  
2           year.

3           (2) COORDINATION.—In making the amend-  
4           ments required under subparagraphs (A) and (B) of  
5           paragraph (1), the Commission shall coordinate with  
6           the Secretary of Education and appropriate instru-  
7           mentalities of State and local governments.

8           (3) TECHNICAL AND CONFORMING AMEND-  
9           MENTS.—Section 254 of the Communications Act of  
10          1934 (47 U.S.C. 254) is amended—

11           (A) in subsection (b)(6), by inserting “cer-  
12          tain households (solely for the purposes de-  
13          scribed in section 2(b)(1)(B) of the Every Child  
14          Connected Act),” after “schools and class-  
15          rooms,”;

16           (B) in subsection (c)(3), by inserting “cer-  
17          tain households (solely for the purposes de-  
18          scribed in section 2(b)(1)(B) of the Every Child  
19          Connected Act),” after “schools,”; and

20           (C) in subsection (h)—

21           (i) in paragraph (1)(B), in the first  
22          sentence of the matter preceding clause (i),  
23          by inserting “certain households (solely for  
24          the purposes described in section

1                   2(b)(1)(B) of the Every Child Connected  
2                   Act),” after “secondary schools,”; and

3                   (ii) in paragraph (2)—

4                   (I) in subparagraph (A), by in-  
5                   serting “certain households (solely for  
6                   the purposes described in section  
7                   2(b)(1)(B) of the Every Child Con-  
8                   nected Act),” after “classrooms,”; and

9                   (II) in subparagraph (B), by in-  
10                  serting “or household” after “public  
11                  institutional”.

12               (c) TRANSFER OF FTC CIVIL PENALTIES.—Section  
13               5 of the Federal Trade Commission Act (15 U.S.C. 45)  
14               is amended by adding at the end the following:

15               “(o)(1) In this subsection, the term ‘E-rate program’  
16               means the universal service program set forth under sub-  
17               part F of part 54 of title 47, Code of Federal Regulations  
18               (or any successor regulations).

19               “(2) Subject to paragraph (3), the Secretary of the  
20               Treasury shall transfer to the Federal Communications  
21               Commission an amount equal to any amount collected in  
22               connection with a civil penalty under subsection (l) or (m).

23               “(3) The amounts transferred to the Federal Com-  
24               munications Commission pursuant to paragraph (2) shall  
25               be—

1           “(A) transferred at least monthly from the gen-  
2           eral fund of the Treasury to the Federal Commu-  
3           nications Commission on the basis of estimates made  
4           by the Secretary of the Treasury;

5           “(B) used by the Federal Communications  
6           Commission to carry out the E-rate program, as  
7           amended in accordance with section 2(b) of the  
8           Every Child Connected Act; and

9           “(C) properly adjusted in the amounts subse-  
10          quently transferred to the extent prior estimates  
11          were in excess of or less than the amounts required  
12          to be transferred.”.

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